



# **MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Board of County Commissioners Zoning Board**

## **Board of County Commissioners**

Stephen P. Clark Government Center  
111 NW 1<sup>st</sup> Street  
Miami, Florida 33128

Thursday, September 18, 2008  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Kay Sullivan, Director  
Clerk of the Board Division

Alicia Stephenson, Commission Reporter  
(305) 375-1475



**CLERK'S SUMMARY AND OFFICIAL MINUTES  
BOARD OF COUNTY COMMISSIONERS ZONING HEARING  
September 18, 2008**

The Board of County Commissioners met in regular session in the County Commission Chambers on the Second Floor of the Stephen P. Clark Government Center, 111 N.W. First Street, Miami, Florida at 9:30 a.m., September 18, 2008, there being present upon roll call Chairman Bruno A. Barreiro; Vice Chairwoman Barbara J. Jordan; and Commissioners Audrey M. Edmonson, Dennis C. Moss, Dorrin D. Rolle, Katy Sorenson, and Javier D. Souto (Commissioners Carlos A. Gimenez and Natacha Seijas arrived later. Commissioners Jose "Pepe" Diaz, Sally A. Heyman, Joe A. Martinez, and Rebeca Sosa were absent); Assistant County Attorney Joni Armstrong-Coffey; Department of Planning & Zoning Director Marc LaFerrier; and Deputy Clerks Kay Sullivan and Alicia Stephenson.

ALL WITNESSES AND THE INTERPRETER WERE SWORN IN BY THE DEPUTY CLERK BEFORE MAKING THEIR TESTIMONY BEFORE THE BOARD.

Mr. LaFerrier announced that in accordance with the Code of Miami-Dade County, all items on today's (9/18) agenda had been legally advertised in the newspaper, notices mailed, and properties posted. He noted additional copies of today's agenda and an official translator were available. He presented the rules of procedure to be followed during today's proceedings.

Mr. LaFerrier presented the following application:

**1. KROME GOLD RANCHES II, LLLP (08-6-CZ11-3) 13-55-38 BCC/District 9**

Mr. Tucker Gibbs, 2980 McFarlane Road, Coconut Grove, attorney representing members of the Redland Citizens Association, appeared before the Board. He explained that he received a staff report on September 10, 2008, but could not obtain expert witnesses within ten days before today's meeting as required by the County Code. Therefore, he noted, he was requesting that the foregoing application be deferred to the Zoning meeting scheduled for October 23, 2008.

Mr. Juan Mayol, 701 Brickell Avenue, attorney representing the applicant, noted the applicant did not object to deferral of this application. He noted Mr. Gibbs told him the previous day that he wanted to request deferral. The applicant, Mr. Mayol noted, was willing to defer the application for 30 days and therefore did not object to deferring it to October 23<sup>rd</sup>.

It was moved by Commissioner Moss that the foregoing application be deferred to the October 23, 2008 Commission meeting. This motion was seconded by Commissioner Sorenson and upon being put to a vote, passed by a vote of 8-5 (Commissioners Diaz, Heyman, Martinez, Seijas, and Sosa were absent).

Commissioner Sorenson expressed concern that printing applications consumed a lot of paper. She further expressed concern regarding the amount of trees used to produce paper, the effect of tree loss on climate, and the effort put into printing applications. Commissioner Sorenson asked that commissioners keep their copies of applications, bring them to future meetings, and not have staff reprint them.

**2. JOSE MILTON & ASSOCIATES, INC. (07-7-CZ5-1) 02-52-40 BCC/District 13**

Mr. Gilberto Pastoriza, 2525 Ponce de Leon Blvd., attorney representing the applicant, made a presentation in support of the foregoing application.

Mr. David Coviello, 201 South Biscayne Boulevard, made a presentation in opposition to the foregoing application. Mr. Coviello submitted for the record the applicant's deed, contract for purchase and sale, and plat of the subject property.

Mr. Pastoriza objected to Mr. Coviello submitting into the record the deed or any other private restrictions between parties.

The following persons appeared before the Board in opposition to the foregoing application:

Mr. Thomas LaMarca, 19735 East Lake Drive  
Ms. Barbara Hagan, 7336 Bay Hill Drive  
Ms. Elizabeth Perez, 19731 East Lake Drive  
Ms. Kathryn McAdam, 19620 East Lake Drive  
Mr. Dennis Granda, 19511 West Lake Drive  
Ms. Pat Blomberg, 7376 Coldstream Drive, Hialeah  
Ms. Vivian Hill, 19506 East Lake Drive, Country Club of Miami  
Ms. Arlene Gallagher, 19706 West Lake Drive, Miami  
Mr. Paul Fischer, 19725 East Lake Drive, Country Club of Miami  
Ms. Josephine Dyer, 19426 East Lake Drive, Country Club of Miami  
Mr. Rick Lechuk, 19440 West Lake Drive, Miami  
Ms. Jacqueline Shepard, 19212 West Lake Drive, Miami  
Mr. Roberto Cao, 7301 Coldstream Drive, Hialeah  
Ms. Jo Pettis, 18900 West Lake Drive, Country Club of Miami  
Ms. Patricia Elvay-Alfaro (phonetic), 19446 East Lake Drive

Ms. McAdam read for the record a letter from Mr. Russell W. Foiling, 19515 East Lake Drive, Hialeah in opposition to this application.

Mr. Pastoriza provided a rebuttal.

There being no one further to appear before the Board in connection with this application, Chairman Barreiro closed the public hearing.

In response to Commissioner Seijas' request for clarification of staff's recommendations, Mr. Marc La Ferrier, Department of Planning and Zoning Director, noted staff's

recommendation was denial. He noted this recommendation was based on failure to meet three criteria. Mr. LaFerrier added that the recommendation was related to reducing open space to 23% for Lake Singapore, views, and privacy.

Commissioner Seijas expressed concern that a community center which was promised was never constructed.

In response to Commissioner Seijas' request for clarification regarding an issue of takings related to this application, Assistant County Attorney Joni Armstrong-Coffey noted that the Commission's Development Impact Committee conducted a full hearing and analysis of the applicant's claim that a taking would occur if this Board denied the foregoing application. She noted staff's recommendation to the Board was based on facts presented at the hearing that no taking would occur if this application was denied.

Commissioner Seijas explained that Mayor Carlos Alvarez was unable to respond to a letter which arrived at his office from Mr. LaMarca requesting a meeting regarding this application because the Mayor had veto power and the matter was a zoning issue. Commissioner Seijas added that in today's (9/18) meeting, the Board was a quasi-judicial body. Commissioner Seijas noted she believed that an agreement should have been reached regarding the community center.

Commissioner Seijas noted many procedures were not followed, eight more units would add congestion to the area, and she did not think the units would be low income. Commissioner Seijas added that when she considered the issues staff shared with her regarding denial, she felt the only option was to vote in favor of denial.

It was moved by Commissioner Seijas that staff's recommendation to deny the foregoing application without prejudice be approved. This motion was seconded by Vice Chairwoman Jordan and upon being put to a vote, passed by a vote of 7-6 (Commissioners Diaz, Edmonson, Heyman, Martinez, Moss, and Sosa were absent).

### **3. DOLPHIN CENTER PROPERTIES, DAVID MORTON, ET AL (08-9-CC-1) 34-51-41 & 03-52-41 BCC/District 1**

In response to Vice Chairwoman Jordan's request for clarification regarding whether she was allowed to defer a particular application on today's agenda, Assistant County Attorney Joni Armstrong-Coffey noted Vice Chairwoman Jordan could ask if anyone present at today's meeting objected to deferral of the application and could allow any objectors to comment.

Vice Chairwoman Jordan noted she would like the foregoing application deferred if no one objected, because she wanted to give the community an opportunity to meet with the applicant regarding concerns of both parties.

Mr. Joseph Goldstein, 701 Brickell Avenue, attorney representing the applicant, asked that the applicant be allowed to meet with members of the community during

consideration of agenda item 2 in order to come to a satisfactory agreement with the community.

Vice Chairwoman Jordan agreed to grant Mr. Goldstein's request. She noted if the applicant and community were unable to come to a satisfactory agreement by the time the Board had considered item 2 on today's agenda, she would request a deferral of the foregoing application.

Chairman Barreiro asked staff to make a conference room available in which the applicant and members of the community could discuss their concerns regarding the foregoing application.

Following consideration of item 2, Mr. Goldstein noted that a meeting was conducted with representatives of the City of Miami Gardens as advised by Vice Chairwoman Jordan. He explained that both parties agreed they needed more time to discuss their concerns. Mr. Goldstein noted the applicant was requesting that the item be deferred to the October 23, 2008 Commission meeting. He further noted the applicant was requesting that the deferral motion include instructions that County Manager's and Attorney's Offices meet with the applicant to address issues involving County staff.

Vice Chairwoman Jordan commended both party's efforts to reach an agreement regarding their concerns with this application.

It was moved by Vice Chairwoman Jordan that the foregoing application be deferred to the October 23, 2008 Commission meeting with direction to the Offices of the County Manager and County Attorney to meet with the applicant to address issues related to this application. This motion was seconded by Commissioner Sorenson.

Vice Chairwoman Jordan noted for the record she was unaware of issues that were relevant to the concerns of the applicant and the City of Miami Gardens.

City of Miami Gardens Mayor Shirley Gibson concurred with the applicant's request and thanked the Commission for their time.

Upon being put to a vote, the foregoing motion passed by a vote of 7-6 (Commissioners Diaz, Edmonson, Heyman, Martinez, Moss, and Sosa were absent).

All deferral dates on applications considered during today's meeting were publicly announced.

All exhibits submitted for the record at today's meeting were transferred to the care, custody and control of the Department of Planning and Zoning.

There being no further business to come before the Board, the zoning meeting was adjourned at 12:35 p.m.

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Chairman Bruno A. Barreiro

ATTEST: HARVEY RUVIN, Clerk

By: 

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Kay Sullivan, Deputy Clerk